

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

:Mark-Edward,

Plaintiff,

v.

UNITED STATES ATTORNEY'S
OFFICE, et al.,

Defendants.

CASE NO. C12-2048-JCC

ORDER DISMISSING CASE

This matter comes before the Court on Plaintiff's Notice of Writ/Error (Dkt. No. 8), Notice of Joinder (Dkt. No. 9), and Notice of Acceptance/Declaration (Dkt. No. 10). Having thoroughly considered the relevant record, the Court hereby DISMISSES Plaintiff's case with prejudice due to its lack of merit.

A court may dismiss claims pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction if the claims are "so attenuated and unsubstantial as to be absolutely devoid of merit," "obviously frivolous," or "no longer open to discussion." *Hagens v. Lavine*, 415 U.S. 528, 536–37 (1974). Plaintiff's claims are absolutely devoid of merit and obviously frivolous because they all rest upon his belief that he is not an "artificial U.S. citizen" but a "sovereign State's born Private Citizen." (Dkt. No. 1 at 2.)

Although Plaintiff's pleadings are difficult to decipher, both of Plaintiff's causes of

1 action seek dismissal of criminal charges pending against Fred F. Frink in Case No. CR12-0262-
2 RSL. Plaintiff is essentially asking this court to enjoin a pending criminal prosecution, which
3 courts ordinarily will not do. *See Beal v. Missouri Pac. R. R. Co.*, 325 U.S. 45, 49 (1941). No
4 citizen—"sovereign" or otherwise—is immune from prosecution. *See id.* Moreover, Mr. Frink is
5 no longer a party to this action (Dkt. No. 7). Plaintiff, who has no interest in the outcome of the
6 pending criminal matter, lacks standing to make any claims related to it. *See Kowalski v. Tesmer*,
7 543 U.S. 125, 129–30 (2004) (discussing the limited circumstances, not present here, in which a
8 third party may litigate claims on behalf of another).

9 For the foregoing reasons, Plaintiff's complaint is DISMISSED with prejudice. The Clerk
10 is directed to CLOSE this case.

11 DATED this 14th day of December 2012.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE